



ENTERED  
09/10/2020

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:	§	
HOUTEX BUILDERS, LLC, <i>et al</i>	§	CASE NO: 18-34658
	§	
415 SHADYWOOD, LLC	§	CASE NO: 18-34659
	§	
2203 LOOSCAN LANE, LLC	§	CASE NO: 18-34660
	§	Jointly Administered Order
Debtor(s)	§	
	§	CHAPTER 11

**ORDER GRANTING IN PART AND DENYING IN PART THE  
MOTION TO COMPEL DISCOVERY**

Before the Court is the Motion to Compel (ECF No. 64) filed by Debtors 2203 Looscan Lane, LLC, 415 Shadywood, LLC, HouTex Builders, LLC and the response thereto filed by CD Homes, LLC (ECF No. 568). Hearing was held on September 10, 2020. For the reasons stated on the record, including the Court's review of the documents produced in this matter (ECF No. 575), the Court grants the motion in part and denies the motion in part.

The Motion to Compel is denied as to CD Homes, LLC response to Interrogatory 7. The Court finds the response provided below, together with a review of CD Homes produced documents, to be an adequate response to the interrogatory.

INTERROGATORY 7. Provide a per Property accounting of the construction costs (as required in the Preliminary Order).

ANSWER:

CD Homes has previously provided a per property accounting with supporting backup documentation of costs per Project as of January 31, 2018 of which CD Homes is aware including the following categories: checks paid, credit card payments, closing costs, interest draws, land cost, additional payments, project supervision and construction supervision. See Exhibits 1 - 7, CD Homes' Witness and Exhibit List with respect to the April 4, 2019 1:30 p.m. hearing on Debtors' Motion to Compel CD Homes, LLC's and Robert Parker's Responses to Discovery [Dkt. 227].

The Motion to Compel is granted as to CD Homes, LLC response to Interrogatory 10. The response provided below is inadequate, vague and fails to provide any accounting. CD Homes, LLC is ORDERED to answer this interrogatory not later than September 21, 2020 or seek additional time to respond to the interrogatory at a status conference set at 2:00 p.m. on September 22, 2020. The Court may upset the trial setting of September 28, 2020, as required at the status conference.

INTERROGATORY 10. Provide a per Property accounting of the delayed construction costs (as required in the Preliminary Order).

ANSWER:

5325 Lynbrook:

The delayed construction costs for the Lynbrook Project were, at a minimum, \$2,500,000.

3 Thornblade:

The delayed construction costs for the Thornblade Project were, at a minimum, \$1,500,000.

2203 Looscan Lane:

The delayed construction costs for the Looscan Project were, at a minimum, \$1,500,000.

415 Shadywood:

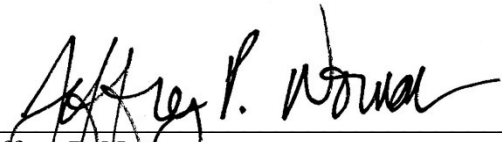
The delayed construction costs for the Shadywood Project were, at a minimum, \$1,400,000.

The Motion to Compel is denied as to the Request for Production 1. This discovery request sought “a copy of each and every exhibit you intend to utilize or offer into evidence at trial or any hearing in the above-captioned proceeding.” The Court will order the exchange of these exhibits prior to trial. It is therefore ORDERED that all trial exhibits for the claim objection hearings scheduled on September 28, 2020, be exchanged not later than September 21, 2020. It is additionally ORDERED that trial exhibits not exchanged pursuant to this deadline will not be admissible. This deadline will be strictly enforced. Accordingly, the Motion to Compel is denied as moot as to Request for Production 1.

A sanction award for the movant will be addressed at the status conference.

SO ORDERED.

SIGNED: 09/10/2020.

  
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Jeffrey P. Norman  
United States Bankruptcy Judge